

Pock, and that this was said about a month after the witness went to live at Melton's and previous to Laura Foster's disappearance.

(the prisoner excepted)

Anne Melton left her husband's house on the Thursday before that Friday in May, after dinner with the canteen of liquor which had been filled for the prisoner and went in the direction of the Ridge Road. She was absent from that time until an hour before day on that Friday. She came and got in bed with me; I left her in bed when I went to work; her dress was wet and so were her shoes. She laid in bed until after breakfast. This the morning that I mentioned that Dula stood over her and talked to her while she was in bed. When I came to get dinner Anne Melton was on the bed and remained so until I left for the field. I stayed in the field at work with Jonathan Gilbert and James Melton until about three O'Clock. Wilson Foster came to James Melton's about dark Friday night and left about two or three hours in the night. Thomas Foster was also there. I stayed all night. I stayed up with him until midnight. On Saturday morning Dula came early. He and Anne Melton conversed together in a low tone for half an hour. He said he came for his fiddle and to get his shoes mended. I remarked to him (I thought you had run away with Laura Foster). He left for home. Dula came there again that night; and stayed all night; he went to bed with James Melton. Dula was there every day or night after that as long as he remained in the settlement; He remained in the settlement some four weeks after the disappearance of Laura Foster, then left for Tennessee.

Here it was offered in evidence the conduct of Anne Melton the evening of the departure of the prisoner to Tennessee. This was objected to by the prisoner for the reason, that according to the theory of the state, the murder was an accomplished fact; which murder the state charged was perpetrated by the prisoner, enacted by Anne Melton. Any conduct of Anne Melton after the accomplishment of the alledged crime, therefore ought not to be admitted against the prisoner who was now on trial. It was also distinctly stated by